

RECEIPT # 41639
 AMOUNT \$ 1.00
 SUMMONS ISSUED 1
 LOCAL RULE 4.1 1
 WAIVER FORM 1
 MCF ISSUED 1
 BY DPTY. CLK. 1-24-05
 DATE 1-24-05

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MASSACHUSETTS

JOHN GACHAGO,

Plaintiff,

vs.

BRISTOL MYERS SQUIBB, and
 AMERICAN EXPRESS,

Defendants

Civil Action No.

05-10141 RGS

MAGISTRATE JUDGE Staller

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that defendant Bristol-Myers Squibb Company ("BMS") hereby removes to this Court the state court action entitled John Gachago v. Bristol Myers Squibb et al., Civil Action No. 04CV2682, filed in Quincy District Court, Norfolk County, on or about December 20, 2004. Pursuant to 28 U.S.C. §1446(a), a copy of all process, pleadings, and orders received by BMS is being filed with this Notice at Tab A. In support of removal, BMS states as follows:

GROUND FOR REMOVAL

1. This Court has jurisdiction over this removed action under 28 U.S.C. § 1441 because this action originally could have been filed in this Court under 28 U.S.C. §§ 1331 and 1332. More specifically, this Court has original jurisdiction over this action under 28 U.S.C. § 1331 because some or all of the claims alleged in the Complaint arise under the Constitution, Laws, or treaties of the United States. The Complaint requests relief under the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. See Complaint at ¶ 12. Some or all of Plaintiff's claims are thus founded in and arise under the laws of the

United States. To the extent that any of the claims alleged in the Complaint do not relate to 15 U.S.C. § 1681 et seq., they fall within the principles of supplemental jurisdiction under 28 U.S.C. § 1367, therefore making the removal of the entire case proper.

2. In addition, diversity jurisdiction exists under 28 U.S.C. § 1332 because the plaintiff is a citizen of the Commonwealth of Massachusetts, defendant Bristol-Myers Squibb Company is a Delaware corporation with a principal place of business in New York, and the complaint alleges that defendant American Express is a New York corporation with a principal place of business in New York. The Plaintiff is seeking \$400,000 in damages. Therefore, the amount in controversy exceeds \$75,000. As a result, this Court has jurisdiction over this removed action under 28 U.S.C. § 1441.

3. As Defendant is filing this Notice of Removal within 30 days after December 23, 2004, the date on which CT Corporation System, registered agent of BMS, was served with Plaintiff's complaint, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

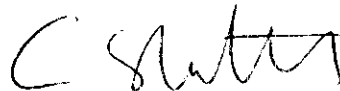
4. Venue is proper in this Court pursuant to 28 U.S.C. § 101 because it is the "district and division embracing the place where such action is pending." See 28 U.S.C. § 1441(a).

5. American Express Travel Related Services, Inc. ("American Express"), improperly named in the Complaint as American Express, consents to removal of this action.

6. No previous application has been made for the relief requested herein.

7. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiff and Defendant American Express and a copy is being filed with the Clerk of Quincy District Court, Norfolk County.

Respectfully submitted,
BRISTOL-MYERS SQUIBB COMPANY
By its attorney,

A handwritten signature in black ink, appearing to read "E Slattery", is written over a horizontal line.

Eve Slattery (BBO #634776)
Dwyer & Collora, LLP
600 Atlantic Avenue
Boston, MA 02210
(617) 371-1000

Dated: January 24, 2005

CERTIFICATE OF SERVICE

I certify that on this 24th day of January, 2005, I caused copies of the foregoing Notice of Removal to be served by first-class U.S. mail, postage prepaid on:

John Gachago
21 Linden Park Drive
Randolph, MA 02368

Joseph S. Sano
Paige A. Scott Reed
Prince Lobel Glovsky & Tye LLP
585 Commercial St.
Boston, MA 02109

COMMONWEALTH OF MASSACHUSETTS

NORFOLK COUNTY

QUINCY DISTRICT COURT

CIVIL COURT

JOHN GACHAGO,

Plaintiff,

vs.

BRISTOL MYERS SQUIBB and

AMERICAN EXPRESS

GC SERVICES LIMITED PARTNERSHIP

Defendant(s)

) Case No: 04CV2682.

) COMPLAINT FOR RELIEF

1. The Plaintiff, JOHN GACHAGO is an individual currently residing in the state of Massachusetts with a usual place of domicile at 21 Linden Park Drive, Randolph, MA 02368 and formerly employed as a Territory Business Manager for Bristol Myers Squibb in the S E Massachusetts territory until May 3rd 2004.

2. The Defendants Bristol Myers Squibb (Tax ID#220790350) a corporation duly organized under the laws of the state of Delaware and American Express Company (Tax ID#134922250) organized under the laws of the state of New York and whose usual places of doing business respectively are 200 Vessey Street, New York 10154 and 345 Park Ave, New York, NY 10154 and whose agent in the state of Massachusetts is CT

RECEIVED
QUINCY DISTRICT COURT
JAN 24 2005
CLERK OF COURT
DENNIS RYAN FRY

1 CORPORATION SYSTEM located at 101 FEDERAL STREET BOSTON MA 02110. The
2 defendants will hereafter be referred to as BMS and AMEX respectively.
3

4 3. On April 27th 2004 the plaintiff filed a 4-week notice of resignation
5 with his former employer Bristol Myers Squibb. Upon doing so he was
6 asked by his manager at the time Joe Deluca to complete a final expense
7 report and make arrangements to return all company material for a final
8 close out by May 3rd 2004. Joe Deluca acting on behalf of Bristol Myers
9 Squibb and his former manager of 3 months insisted that he close the
10 plaintiff out on May 3rd 2004 well before the standard 2-week
11 resignation typically permits. While standard close out procedures
12 required Bristol Myers Squibb to collect all the company materials and
13 company car from the resigning employees home, the plaintiff offered to
14 leave his home in Massachusetts and deliver the company car and
15 materials to Joe Deluca (Bristol Myers Squibb) at the Providence
16 Marriott in Rhode Island for the final close out and completion of his
17 responsibility to Bristol Myers Squibb. Joe Deluca as the manager for
18 the Providence District and on behalf of Bristol Myers Squibb completed
19 a checklist confirming that all company property had been returned and
20 the plaintiff's services to Bristol Myers Squibb were complete making
21 his resignation effective on May 3rd 2004.
22

23 4. On or around September 1st 2004 the plaintiff returned from a 3-week
24 vacation to his current job only to find that there was a hold on his
25 current American Express card provided by his current employer. The
plaintiff also found a message on his answering machine from American

1 Express calling about the balance on the plaintiffs BMS issued American
2 Express corporate card.

3
4 5. The plaintiff then made multiple attempts to communicate with American
5 Express on this matter explaining that this was not his personal
6 account but rather Bristol Myers Squibb's corporate card and
7 consequently there should be no hold on his current employer issued
8 Amex corporate card if American Express had outstanding issues with the
9 Bristol Myers Squibb issued American Express corporate card. After
10 several exhaustive attempts and several days of being at a significant
11 business disadvantage due to the hold on his currently issued AMEX
12 corporate card he finally reached a Sandy at American Express in their
13 collections department at telephone number 866 505 6811. Sandy on
14 behalf of American express seemed to insist that this was the
15 plaintiffs account and then proceeded further to explain something
16 vague about the fact that it was a limited liability account and
17 consequently was the plaintiffs responsibility. During this same
18 conversation the plaintiff asked her to get in touch with Cathleen
19 Everk who is the corporate card administrator who would in turn confirm
20 this was a BMS account. She declined and insisted that this was the
21 plaintiffs account even though it clearly read Bristol Myers Squibb
22 and was paid for by Bristol Myers Squibb for the last 4 years. Sandy
23 also said there was nothing she could do until BMS contacted Amex
24 regarding this matter however she would not initiate the call. The
25 plaintiff then decided the next best course of action was to

1 communicate with the Bristol Myers Squibb corporate card administrator
2 Cathy Everk.

3
4 6. The plaintiff then communicated with Cathy Everk at Bristol Myers
5 Squibb at telephone number 6094196584 and email cathy.everk@bms.com
6 with a copy to Joe Deluca (BMS Providence Territory Manager) and Elaine
7 Ferannaci (BMS Region Business Director) at the time. The plaintiff
8 explained the situation asked that BMS communicate with American
9 Express on this matter explaining that this was BMS account and not the
10 plaintiff's account.

11
12 7. Between Aug 27th and September 10th several emails were exchanged with or
13 copied to the plaintiff from BMS. On one of these emails dated
14 September 3rd 2004 the plaintiff received communication from Cathy Everk
15 at BMS that she had been in touch with Amex and let them know of the
16 situation. In another of these emails Cathy Everk representing BMS as
17 Corporate Card Administrator claimed that she could not have the
18 charges paid without the managers (Joe Deluca) approval. In a separate
19 email she copied the plaintiff on an email in which she clearly states
20 that she could see that the plaintiffs final report was paid yet she
21 further alledges there is a past due amount of \$1149.27. In the same
22 email dated Augst 27th she asks Joe Deluca if he wants the plaintiff to
23 reconcile the \$1149.27 and if so she can send him all his Amex
24 statement. Shortly theraftre Cathy Everk (BMS) chose to mail the
25 plaintiff statements that were 2 years old claiming the outstanding
amount was the plaintiffs responsibility. In an attached note to the

1 statement Cathy Everk(BMS) demanded rather ludicrously that the
2 plaintiff reconcile these statements for the last 2 years and provide
3 what she alleges were missing receipts.
4

5 8. The plaintiff then called American express to confirm communication
6 form BMS to them regarding this matter. At this point Amex confirmed
7 that Cathy Everk on behalf of BMS had called and confirmed that BMS was
8 going to pay off this account and because of this Amex agreed to remove
9 the hold on the plaintiffs' Amex card issued by his current employer.
10 At that point the plaintiff was led to believe that Amex resolved the
11 matter he would no longer have to be concerned about it.
12

13 9. On or around November 25, 2004 as the plaintiff was seeking to
14 refinance his home and purchase a new home he became aware of a
15 derogatory report on his credit history suggesting that he was indebted
16 to American Express to the tune of \$1219.00. For this specific reason
17 the mortgage company denied him both the refinance and the new mortgage
18 for the new home he and his family are relocating to. Other recent
19 denials for credit as a result of this issue include that for office
20 furniture and business equipment, not to mention the failure to obtain
21 a lower interest rate.
22

23 10. The plaintiff then got in touch with the American Express Credit bureau
24 unit in Ft Lauderdale, FL at 954 503 3787 or fax 954 503 7695 on 12/7/04
25 at 2.39 pm where he spoke with a Mrs Gordon. The latter confirmed that
this outstanding amount of \$1219 was still showing on the plaintiffs

1 personal credit record as unpaid by him even though it clearly showed
2 that it was a Bristol Myers Squibb Account. When the plaintiff asked how
3 he could have this BMS account taken off their record as his personal
4 account she suggested the plaintiff call BMS and ask that they call
5 Amex. She also indicated that it was in collection by a company called
6 GC Services. In her words if the plaintiff wanted any further detail on
7 it such as the account number he would have to contact GC Services,
8 which was the collection agency. Prior to this the plaintiff
9 communicated in writing and via certified mail to GC Services asking
10 they no longer call his home for a debt that they were fully aware was
11 not the plaintiffs.

12
13 11. Due to this negligence and deceptive corporate irresponsibility on both
14 the parts of BMS and AMEX the plaintiff has suffered as follows: His
15 credit score and history has been substantially damaged resulting in
16 denial of a mortgage to refinance his current home and the denial of a
17 mortgage for the new home he and his family needed to begin construction
18 on in December 2004 to occupy by June 2004. In addition due to this
19 problem other credit providers have denied the plaintiff credit due to
20 the mar on his credit report

21
22
23
24
25 12. Wherefore the plaintiff demands that the court award judgment in
the amount of \$385,000 as commensurate with the lost ability to secure

1 a mortgage in the equivalent amount due to this erroneous report on the
2 plaintiffs credit history, instruct the defendants to immediately
3 withdraw in writing any and all derogatory credit as required by the
4 Fair Credit Reporting Act. Further the plaintiff demands that under the
5 authority of the court that the defendants write letters to every
6 creditor that has requested a copy of the plaintiffs credit history in
7 the preceding 12 months, cease and desist from having collections
8 agencies such as GC Services from harassing the plaintiff for this
9 alleged amount of \$1200.

10
11 13. Wherefore the plaintiff also asks that the court compel BMS to ensure
12 that all Bristol Myers Squibb Territory Business Managers are made aware
13 that the American Express Corporate Card issued by the same is the
14 responsibility of the company and hold them harmless for any charges
15 incurred for business purposes. Similarly when Territory Business
16 Managers such as the plaintiff do obtain the American Express Card to
17 conduct business on behalf of the defendant (BMS) that the employee's
18 personal social security number be exempted form the card application
19 completion process and instead require that the company's tax
20 identification number solely be provided.

21
22 14. Wherefore the plaintiff also asks the court to compel American Express
23 to release all employees of any liability when conducting business on
24 their employers' behalf on an Amex corporate credit card issued in the
25 employers name.

1 15. Wherefore the plaintiff charges that BMS deceptively compels its
2 employees to accept the American Express Corporate card in such a manner
3 that implies that it is a precondition for employment and further
4 prevents employees from using the same for personal use but in fact hold
5 the very same employees responsible for debt incurred on the company's
6 behalf and while engaged in company business.

7
8
9
10
11 PLAINTIFF

12 By: John Gachago (Pro se)

13 21 Linden Park Drive,
14 Randolph, MA 02368

15 Dated this 17th day of December, 2004

16
17 Sent via certified mail return receipt to Bristol Myers Squibb and
18 American Express at CT Corporation System 101 Federal Street, Boston, MA
19 02110.
20
21
22
23
24
25

1 15. Wherefore the plaintiff charges that BMS deceptively compels its
2 employees to accept the American Express Corporate card in such a manner
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18 American Express at CT Corporation System 101 Federal Street, Boston, MA
19 02110.
20
21
22
23
24
25

STATEMENT OF DAMAGES St. 1996, c. 358, § 5		DATE FILED (To be added by Clerk)	DOCKET NUMBER (To be added by Clerk)	Trial Court of Massachusetts
PLAINTIFF(S) JOHN GACHAGO 21 LINCOLN PARK DRIVE RANDOLPH MA 02368		DEFENDANT(S) BRISTOL MYERS SQUIBB AMERICAN EXPRESS GC SERVICES LTD		
INSTRUCTIONS: THIS FORM MUST BE COMPLETED AND FILED WITH THE COMPLAINT OR OTHER INITIAL PLEADING IN MIDDLESEX AND NORFOLK COUNTIES - SUPERIOR COURT: IN ALL CIVIL ACTIONS; DISTRICT COURT: IN ALL CIVIL ACTIONS SEEKING MONEY DAMAGES.		COUNTY: <input type="checkbox"/> Middlesex <input type="checkbox"/> Norfolk SUPERIOR COURT: <input type="checkbox"/> Cambridge <input type="checkbox"/> Lowell <input type="checkbox"/> Dedham DISTRICT COURT: _____ Division		

TORT CLAIMS

AMOUNT

A. Documented medical expenses to date:

1. Total hospital expenses: \$ _____
2. Total doctor expenses: \$ _____
3. Total chiropractic expenses: \$ _____
4. Total physical therapy expenses: \$ _____
5. Total other expenses (Describe) \$ _____

SUBTOTAL:

\$ _____

B. Documented lost wages and compensation to date:

\$ _____

C. Documented property damages to date:

\$ _____

D. Reasonably anticipated future medical and hospital expenses:

\$ _____

E. Reasonably lost wages:

\$ _____

F. Other documented items of damage (Describe):

\$ _____

G. Brief description of Plaintiff's injury, including nature and extent of injury (Describe):

For this form, disregard double or treble damage claims; indicate single damages only.

TOTAL:

\$

CONTRACT CLAIMS

AMOUNT

Provide a detailed description of claim(s): ① DENIAL OF MORTGAGE AND
REFINANCE ② DENIAL OF CREDIT LINE FOR
BUSINESS/OFFICE EQUIPMENT ③ INABILITY TO
CONTINUE WITH CONSTRUCTION OF HOME IN FLORIDA
AS A RESULT OF MORTGAGE DENIAL

\$ 355,000

\$ 15,000

\$

For this form, disregard double or treble damage claims; indicate single damages only.

TOTAL:

\$ 400,000

ATTORNEY FOR PLAINTIFF (OR PRO SE PLAINTIFF):

Signature: [Signature]

Date: 12/20/04Print or Type Name: JOHN GACHAGO

B.B.O.#

Address: 21 LINCOLN PARK DRIVE

Address

RANDOLPH, MA 02368

DEFENDANT'S NAME AND ADDRESS:

BRISTOL MYERS SQUIBB AND
AMERICAN EXPRESS

C/O CT CORPORATION SYSTEM
101 FEDERAL ST

BOSTON, MA 02110

05 - 10141 RGS

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) John Gachago v. Bristol-Myers Squibb Company, et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☒ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

Eve Slattery

ATTORNEY'S NAME

Dwyer & Collora, LLP, 600 Atlantic Ave., Boston, MA 02210

ADDRESS

617-371-1000

TELEPHONE NO.

05 cv 10141 RGS

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

John Gachago

(b) County of Residence of First Listed Plaintiff

Norfolk

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

John Gachago, Pro Se, 21 Linden Park Drive,
Randolph, MA 02368

DEFENDANTS

Bristol-Myers Squibb Company,
American Express Company

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

See attachment.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☒ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input checked="" type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
		SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1441(a)

VI. CAUSE OF ACTION

Brief description of cause: Claim regarding Fair Credit Reporting Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

\$400,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

1/24/05

SIGNATURE OF ATTORNEY OF RECORD

C. Gachago

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

05-cv-10141 RGS
 UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

John Gachago v. Bristol-Myers Squibb Company, et al.

1. Title of case (name of first party on each side only) _____
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

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- ☒ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

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4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐

- A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

Eve Slattery

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SCANNED

DATE: 1/26/05

BY: M.P.